

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>CHRISTOPHER WAINWRIGHT,</b>	)	<b>CASE NO. 1:07 CV 894</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>JUDGE DONALD C. NUGENT</b>
	)	
	)	<b>Magistrate Judge William H. Baughman, Jr.</b>
<b>FEDEX GROUND PACKAGE SYSTEM, INC.,</b>	)	
	)	<b>ORDER</b>
	)	
<b>Defendant.</b>	)	

As set forth in the attached Memorandum Opinion, the Court agrees with, and adopts, findings and conclusions of Magistrate Judge Baughman as its own. The Court hereby ADOPTS the Report and Recommendation of Magistrate Judge Baughman (Document #10) in its entirety. Accordingly, the Motion to Dismiss filed by FedEx (Document #5) is GRANTED. Counts I and II of the Complaint are hereby DISMISSED with prejudice for failure to state a claim upon which relief can be granted.

The referral of this case to Magistrate Judge Baughman remains in effect as to Count III of Mr. Wainwright's Complaint.

IT IS SO ORDERED.

s/Donald C. Nugent  
DONALD C. NUGENT  
United States District Judge

DATED: December 4, 2007